

## **REMARKS**

Claims 1-7 and 14-20 are all the claims pending in the application.

Applicants would like to thank Examiner Aaron Carter and Supervisory Patent Examiner Brian Pendleton for the courtesies extended to Applicants' representative during the telephone interview conducted on May 12, 2009. During the interview, Applicants' representative explained why it is believed that the claims of the present application are patentable over the prior art of record. In this regard, Applicants note that the arguments presented herein for distinguishing the claims over the prior art references correspond to the comments made during the interview.

### **I. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lu (US 2002/0157115) in view of Tsurumi (US 6,714,262), Sadanaka (US 6,751,197), Lecron (US 2005/0144646), Prus (US 2005/0144651) and Candelore (US 2004-0086127). Applicants kindly request that the Examiner reconsider this rejection in view of the following comments.

Claim 1 recites the feature of "a second controller for: ... when it is detected by said device detector that said security device is not mounted in said receiver, ... when said synchronization judgment unit judges that said first demodulator is synchronized with the broadcasting signal, extracting the transmission information on the broadcasting channel from the broadcasting signal demodulated by said first demodulator, and storing the extracted transmission information in a data memory". Applicants respectfully submit that the applied

prior art references do not teach, suggest or otherwise render obvious the above-noted feature recited in claim 1.

With respect to the above-noted feature, Applicants note that in the Office Action, the Examiner has taken the position that it would have been obvious to combine the applied prior art references so as to arrive at the above-noted feature, and in this regard, the Examiner has indicated that the applied prior art references disclose the following portions of the above-noted feature:

- (1) That the Sadanaka reference discloses “a second controller” (see Office Action at the top of page 5);
- (2) That the Lu reference discloses “when it is detected by said device detector that said security device is not mounted in said receiver” (see Office Action at page 3);
- (3) That the Tsurumi reference discloses “when said synchronization judgement unit judges that said first demodulator is synchronized with the broadcasting signal” (see Office Action at page 4);
- (4) That the Lu reference discloses “extracting the transmission information on the broadcasting channel from the broadcasting signal demodulated by said first demodulator” (see Office Action at page 4); and
- (5) That the Candelore reference discloses “and storing the extracted transmission information in a data memory” (see Office Action at page 6).

Applicants respectfully disagree with the Examiner’s above-noted positions for at least the following reasons.

As noted above, the Examiner has relied on the Lu reference for the teaching of the first claimed condition (i.e., when it is detected that said security device is **not** mounted in said

receiver).

Regarding this position, Applicants respectfully point out to the Examiner that while Lu discloses the use of a set-top box having a removable POD module 300 which is used for performing access and security functions that allow selective access to basic digital cable services (see paragraph [0027]), that Lu does not include any disclosure regarding the functions that are performed by the set-top box if it is determined that the POD module 300 is not mounted therein. In this regard, Applicants note that the mere fact that the POD module 300 is removable does not mean that this reference can be relied upon in rejecting the above-noted feature of claim 1, in which specific conditions are claimed, with specific claimed functions being performed when such conditions are met. Indeed, Applicants note that while several of the references relied upon by the Examiner utilize removable security devices, that none of the references disclose the functions that are performed when it is detected that the security device is not mounted in the receiver.

In this regard, as indicated above, the above-noted feature recited in claim 1 sets forth specific conditions (i.e., when it is detected that said security device is not mounted in said receiver, and when said synchronization judgment unit judges that said first demodulator is synchronized with the broadcasting signal), and the specific functions that are performed when such conditions are met (i.e., extracting the transmission information on the broadcasting channel from the broadcasting signal demodulated by said first demodulator, and storing the extracted transmission information in a data memory). Thus, in claim 1, there is a direct relationship between the claimed conditions and the claimed functions, the claimed functions being

performed when the claimed conditions are met.

Regarding the above-noted feature, as indicated above, the Examiner has relied on the Lu reference for the teaching of the first claimed condition (i.e., when it is detected that said security device is **not** mounted in said receiver), but has relied on a different reference (i.e., the Tsurumi reference) for the teaching of the second claimed condition (i.e., when said synchronization judgment unit judges that said first demodulator is synchronized with the broadcasting signal). Further, the Examiner has relied on the Lu reference for the teaching of the first claimed function (i.e., extracting the transmission information on the broadcasting channel from the broadcasting signal demodulated by said first demodulator) which is performed in response the claimed conditions being met, but has relied on a different reference (i.e., the Candelore reference) for the teaching of the second claimed function (i.e., storing the extracted transmission information in a data memory) which is performed in response to the claimed conditions being met.

Applicants respectfully disagree with the Examiner's proposed combination of references. For example, regarding Lu, as noted above, while this reference discloses the use of a removable POD module, Applicants note that Lu does not disclose the specific functions that are performed if it is detected that the POD module is not mounted in the set-top box. In addition, regarding Tsurumi, Applicants note that while this reference discloses the ability to detect a synchronization pattern (see col. 6, lines 36-42), that Tsurumi does not include any disclosure which would suggest that such a condition would result in the claimed functions of extracting transmission information on the broadcasting channel from the broadcasting signal demodulated by said first demodulator, and storing the extracted transmission information in a data memory.

In this regard, with respect to the Examiner's reliance on the Lu reference for the claimed function of extracting the transmission information and the Candelore reference for the teaching of storing the extracted transmission information, Applicants note that even if these references disclose such functions, that such functions are not related to the specific conditions set forth in claim 1 under which the functions are performed.

In other words, Applicants note that while the Examiner may have found each of the individual functions set forth in the above-noted feature of claim 1 in different prior art references, that there is simply no teaching or suggestion in any of the cited references that the claimed functions drawn to "extracting the transmission information" and "storing the extracted transmission information" are to be performed when the specific conditions set forth in claim 1 are met (i.e., when it is detected that said security device is **not** mounted in said receiver, and when said synchronization judgment unit judges that said first demodulator is synchronized with the broadcasting signal).

In view of the foregoing, Applicants respectfully submit that the prior art references cited by the Examiner do not teach, suggest or otherwise render obvious at least the above-noted feature recited in claim 1 of "a second controller for: ... when it is detected by said device detector that said security device is **not** mounted in said receiver, ... when said synchronization judgment unit judges that said first demodulator is synchronized with the broadcasting signal, extracting the transmission information on the broadcasting channel from the broadcasting signal demodulated by said first demodulator, and storing the extracted transmission information in a data memory".

Accordingly, Applicants submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested. Claims 2-7 depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 14, Applicants note that this claim recites the feature of “a second controller for: ... when it is detected by said device detector that the security device is not mounted in said receiver, ... when said synchronization judgment unit judges that said first demodulator is synchronized with the broadcasting signal, extracting the transmission information on the broadcasting channel from the broadcasting signal demodulated by said first demodulator, and storing the extracted transmission information in a data memory.”

For at least the same reasons as discussed above with respect to claim 1, Applicants respectfully submit that the cited prior art references do not disclose, suggest or otherwise render obvious the above-noted feature recited in claim 14. Accordingly, Applicants submit that claim 14 is patentable over the cited prior art, an indication of which is kindly requested. Claims 15-20 depend from claim 14 and are therefore considered patentable at least by virtue of their dependency.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Yoshikazu HAYASHI

/Kenneth W. Fields/  
By: 2009.05.15 14:01:34 -04'00'  
Kenneth W. Fields  
Registration No. 52,430  
Attorney for Applicant

KWF/krq  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
May 15, 2009